

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 24

PUERTO RICO TELEPHONE COMPANY, INC.

Employer

and

Case 24-UC-239

HERMANDAD INDEPENDIENTE DE
EMPLEADOS TELEFONICOS

Petitioner

DECISION AND ORDER

Upon a petition duly filed under Section 9(b) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned makes the following findings and conclusions¹:

I. DECISION

For the reasons discussed below, it is concluded that the unit clarification petition is now moot, as the parties have agreed that the position of Administrator

¹ Upon the entire record in this proceeding, the undersigned finds:

a. The hearing officer's rulings made at the hearing are free from error and are hereby affirmed.

b. During the past calendar year, the Employer, a local and long distance telephone communication provider as well as a data transmission services provider in Puerto Rico, derived gross revenues in excess of \$100,000. Accordingly, I find that it is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.

of Technological Solutions for Information sought to be clarified into the unit is to be eliminated. Thus, the petition shall be dismissed.

II. BACKGROUND

The Employer is engaged in providing local and long-distance telephone services as well as data transmission services to consumers in Puerto Rico. The Petitioner-Union, the Hermandad Independiente de Empleados Telefonicos, has represented a bargaining unit of professional and technical employees of the Employer since 1995.²

According to the instant petition, this unit consists of approximately 1500 employees. There is currently a collective-bargaining agreement between the Employer and the Union which is effective from January 1, 2004, to December 31, 2008.

III. STATEMENT OF FACTS:

The instant proceeding involves a petition filed by the Petitioner-Union, seeking to clarify the existing bargaining unit to include the Information Technology Solutions Administrator (also referred to in the record as Administrator of Technological Solutions for Information) position.³ The Employer opposed the requested clarification on the grounds that the incumbents

² I take administrative notice of the Decision which issued in Case 24-UC-226 which notes that in 1995, the Employer was part of the Puerto Rico Telephone Company (PRTC), a Commonwealth-owned telecommunications company. The unit was originally certified by the Puerto Rico Labor Relations Board in 1995. In 1996, after the enactment by the U.S. Congress of the Federal Telecommunications Act of 1996, 47 U.S.C. Sec. 151 et. seq., PRTC separated its wireless division from the company and organized it as a separate corporation. In 1999 both wireless and line telecommunications companies were privatized by the Commonwealth of Puerto Rico and sold to GTE. In June 30, 2000, GTE acquired Bell Atlantic Corporation and consolidated its wireless operations into one wireless company known as Verizon.

The record reflects that in March 2007, G.T.E. Holdings sold its assets to Tenedora Telpri, S.A.

³ The other position included in the petition, i.e. Media Communications Specialist, was withdrawn by the Petitioner during the hearing.

in these positions are managerial and/or supervisory employees. At the hearing, however, the parties stipulated that the position of Information Technology Solutions Administrator will be eliminated. Pursuant to the parties' Stipulation, of the approximately 18 employees who are presently occupying this position, 11 will be reclassified into bargaining unit positions.⁴ The remaining seven employees will be reclassified into undisputed managerial positions.⁵

IV. ORDER

Based upon the above, as the Petition filed herein is now moot due to the parties' agreement to eliminate this classification, IT IS HEREBY ORDERED that the Petition is dismissed.

V. RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W. Washington, D.C. 20570-0001. This request must be received by the Board in Washington by 5:00 p.m., EST on **August 29, 2007**. The request may not be filed by facsimile.

⁴ According to the record, Biswar Llena (sic), Gretchen Rodriguez Santini, Iliana Martinez, and Maribel Navarro will be reclassified to the position of Distributed Systems Administrator; Ramon Rios, Yolanda Huertas, Laura Padilla, Angelica Echevarria, will be reclassified to the position of Analyst Programmer; Lillian Morales will be reclassified to the position of Project Coordinator; and Mariel Rodriguez Mojica and Jose Correa will be reclassified to the position of Information Systems Specialist. The names of those to be reclassified to unit positions are set forth herein as they appear in the transcript. At the hearing, the parties agreed that they would meet to determine at which pay level, among the various pay levels within each of these job classifications, the employees will be reclassified to.

⁵ The parties agreed that the following are and/or will become managerial employees: Virginia Abrams Borges, Angel M. Vazquez Ambert, Guillermo F. Mascarel Ramirez, Orlando Cruz Martin, Julie A. Bengoa Perea, Lymari Almodovar Lozada and Juan C. Soto Arbelaiz.

VI. NOTICE OF ELECTRONIC FILING

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with the Board in Washington, D.C. If a party wishes to file one of these documents electronically, please refer to the enclosed Attachment supplied with this Decision and Direction of Election for guidance in doing so. The guidance can also be found under "E-Gov" on the National Labor Relations Board web center: www.nlrb.gov.

Dated at San Juan, Puerto Rico, this 15th day of August 2007.

/s/

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